

REMARKS

After entry of the present Amendment, claims 1, 3, 7, and 9 remain in the application, with claim 1 in independent form. The elements of claim 4 have been incorporated into claim 3. More specifically, claim 3 has been amended to specify that the composition manufactured as a result of that claim is the composition of claim 1. Claim 4, which claimed a method of manufacturing the composition of claim 1, has been cancelled due to the amendment of claim 3. Claims 2, 5, 6, and 8 were previously cancelled. No new matter is added through the instant Amendment.

Claim 1 was previously elected in response to a species restriction, with claims 3, 7, and 9 withdrawn from consideration. However, in the Restriction Requirement, the Applicants argued for grouping of claim 4 with claim 1, and further requested rejoinder of claims 3, 7, and 9 in the event that claim 1 was found allowable. Because claim 1 was, in fact, found allowable, the Examiner has rejoined claims 3, 4, 7, and 9. The Examiner further found claims 7 and 9 to be allowable, but has rejected claims 3 and 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In rendering the rejection, the Examiner noted that “it appears that combining claims 3-4 into one claim will overcome the rejection of claims 3-4. Should Applicant decide to combine the claims, cancellation of one of the claims is recommended.” The Applicants have combined the elements of claims 3 and 4 into amended claim 3, and have cancelled claim 4. As such, the Applicants respectfully submit that the rejection of claim 3 under 35 U.S.C. §112 is overcome through the present Amendment, and that the rejection of claim 4 under 35 U.S.C. §112 is moot.

In view of the foregoing, all of the claims pending in the instant application represent subject matter that has been indicated as allowable, and there are no remaining rejections of claims. Thus, the Applicants respectfully submit that claims 1, 3, 7, and 9 are in condition for allowance, which allowance is respectfully requested.

While it is believed that no fees are currently due, the Commissioner is hereby authorized to charge such fees or credit any overpayments to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

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Date

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